

HOUSE BUSINESS & INDUSTRY COMMITTEE

Chairman, Rep. Jerry Metcalf, called the Business & Industry Committee to order on February 15, 1983, in Room 420 of the Capitol Building at 9:00 a.m. All members were present except Rep. Harper and Rep. Fabrega who was excused.

HOUSE BILL 691

REP. JOE BRAND, District 28, sponsor, opened by saying this bill creates a Board of Athletics to oversee boxing and wrestling events to protect the public from fraud and to license promoters, referees and others involved. There is \$15,000 left in the Board of Athletics that will be transferred into the general fund unless this bill is given passage and then that money will be available to the Board. We need to be nationally sanctioned to get people to come to Montana. There needs to be some uniform criteria for medical professionals. Since the old board was sunsetted out, we have not had a good event in Montana.

PROPOSERS:

JIM MURRAY, Helena: I testify as an individual today, not as the Executive Director of the AFL-CIO. I am here with a friend who is going to talk to you about the board. We need to correct the law to allow the board to adopt rules for professional wrestling and boxing events. It's necessary to protect the lives and safety of those participating. It will keep in contact with the other 38 states who have boards and keep us up-to-date.

SONNY O'DAY, ex-professional fighter, served on the State Boxing Commission beginning in 1952 and served nine governors well: The boxing industry is of international significance and there are 22 million prize fighters licensed. The board was organized in 1915 and has carried on successfully without interruption with all its splendor until 1981. There was never a tragic injury (bar one in Dillon) and the state has a clean record. This industry has brought alot of money into the state, otherwise there would not be boards in 38 other states. The sport needs to be under control. I hope you look into this and never make the mistake the 1981 legislature did by trash-canning the Board of Athletics.

JAMES MULAR, Butte: What this bill does is bring back the former commission to address the problems that the municipalities cannot handle.

RED MENAHAN, Representative from Anaconda: The sport of boxing should be regulated. We can't leave it up to each community. We still have money in the budget and this bill will protect Montana and we will have people promoting boxing.

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REP. PAVLOVICH, REP. FAGG, REP. KITSELMAN AND REP. SAUNDERS all went on record as supporting Mr. O'Day and the bill.

OPPONENTS:

REP. McBRIDE, District 85: I don't stand up as an opponent but there are a couple of factors that are important if you re-establish this board. We can find no coordination language in the bill so there may, in fact, be a dual role so anyone who did want to carry on a match would have to go to both local government and the commission for authority. I believe there are amendments that are important. Conflict of interest is the first amendment. It would say no board member may serve as a manager, trainer or promoter of a professional boxer, wrestler or amateur boxer. Also, they could not have a financial interest in a boxer /wrestler and they could not serve as a referee or judge at a professional boxing or wrestling match or participate in a match. I present these not with the intention of restricting who could serve on the board but to be careful of approaches. The second amendment is for clarification. One of the chief functions of the board is to safeguard the physical well being of the people involved. I believe there should be rule making power given to the board. (Exhibit #1)

REP. BRAND, in closing, said the amendments say "amateur boxing match" and I don't think that ought to be included in the bill. The amendments on rules have been in the boxing commission since the beginning. I don't know that we need that tied down with legislation.

QUESTIONS:

REP. KITSELMAN: It's my understanding that a professional cannot fight for 30 days after he has had a major battle and 2) is Golden Gloves still considered an amateur battle, right?

Mr. Mular: I believe semi-pro should be inserted instead of amateur. Rep. McBride: The language in the amendment is consistent with that in the bill.

HOUSE BILL 662

REP. SCHYE, District 4, sponsor, opened by saying this bill was at the request of the eight irrigation districts on the Milk River for a hydro power permit on Tiber Dam. This would give the irrigation district power to engage in electrical power irrigation. The 1981 legislature attempted to clarify the irrigation laws in regard to hydro generation in districts. Some lawyer could argue that if the district is not actually engaged in power generation on or before March 30, 1981, they would prohibit them from doing so in the future. The legislators advised the people that this was not their intention. The Miras Milk River project would be of benefit to all the municipalities along the river.

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PROPONENTS:

JOHN OVERCAST, Director of the Paradise Irrigation District for the past 19 years: We have been working for a number of years to bring more water into the district. People have continued to level land along the river and want to receive a water permit. The Bureau of Reclamation has been making a study of bringing the Miras to the Milk, but it has never come to pass. We are looking at a project to help ourselves finance this. We will generate electricity at Fresno and Tiber. Basically 50% of the cost of this project could be paid for by the generation of electricity. If we are allowed to build the power plants, virtually 100% of the money will stay in Montana. It will take five years before these generators can go on line and 10 years before the water will flow into the Milk River. We are thinking about the next generation.

JOE BRUNNER, Women Involved in Farm Economics: We support getting water for the Milk River District. The district should have the prerogative to develop electrical power plants.

CLIFF BRIDGES, Fort Belknap: I don't think the farmer and rancher can come up with the kind of money needed without the money from the hydro plants.

OPPONENTS:

STEVE BROWN, Montana Renewable Resources: This is a New York based private entity engaged in small, hydro energy throughout the United States. MRR has entered into a cooperative agreement with Liberty County and the City of Chester to share some of the proceeds from the small scale hydro project at the Tiber Dam if they are granted a license to construct that facility. We are opposed to HB 662 because of the mechanics being used to address a water shortage in the Milk River drainage. We think you should consider very carefully giving authority to water districts to construct hydro operations outside their own water districts. This is a substantial change in state law. This is really an expansion of an irrigation district's power because up until this time they have only been able to exercise this power within the district boundaries. Everyone has an economic interest in this project. The City of Gillette, Wyo. is the third applicant for this project. The state reaps no tax benefits from allowing a public utility to build these facilities. This bill would allow districts to go outside their district and "water-jump" on a district with less money to develop their resources. Irrigation districts have the power of condemnation. It means they can go outside their district and condemn lands to build a storage area for its facility. You would also grant water districts to go outside their district and cross highways without reimbursement. A district could go outside its boundaries and if they had an excess they could sell it. (Exhibit #2)

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HUGH BROWN, Chester - Attorney for Montana Renewable Resources: The proposal for the Tiber Dam involves an 83 mile canal. The people of Liberty County who it crosses are opposed to it. There are alternatives. We have been able to attract some investments into Montana for a change. It would be open to Montana investors. We believe irrigation districts should have the right to engage in hydro electricity in their own district, but we object to them coming into our district.

JOHN SEIDLITZ, Chester: The Bureau of Reclamation began studying our problem in the mid 1950's. Hydro power was discussed at that time. We have lost 25 years of power. The private group we are signed with has accomplished more in two years than the Bureau did in 25. The effect of this bill is to give the whole thing back to the studies. The 83 mile canal has an \$80 million price tag. The money is in 1982 dollars and is without interest. You know the escalated fees that are going to be on that money.

MARTIN CHEEK, Liberty County Commissioner: This bill will erode the tax base and if we are allowed to develop this privately, it would be considerable income to the county.

REP. SCHYE: Tiber Dam was built for irrigation purposes only, and it is one million-three hundred acres of water. It is used very little for irrigation. The water will have to be pumped over the hill. It is not as cost effective as the Miras Milk project that is a gravity flow project.

QUESTIONS:

REP. WALLIN: Why hasn't the water in Tiber been used for irrigation? Rep. Schye: At the time it was built, the 160 acre limits applied on Bureau projects. When they went to the farmer to sign the contract and he saw that he had to go back to 160 acres, he turned them down.

REP. JENSEN: Mr. Brown, is an irrigation district a municipality?

Mr. Brown: They are entitled to a municipality's preference. You would not need this bill if they felt that they had the power already. Rep. Jensen: Why should cities and towns be preferred above an irrigation district in applications? Mr. Brown: You have to go back to the organic license within each state. The bigger question is should a big utility do it when there is a private entity to do it and pay taxes.

REP. KADAS: Mr. Overcast, under the PSC you would sell your power back to Montana Power. Can you take the proceeds from that and apply it to paying off the canal? Mr. Overcast: We would have to finance this privately and the profits used. There would be a sizeable profit.

REP. METCALF: You estimate 50% could be recovered from the plant. How do you anticipate paying off the other 50%? Mr. Overcast: The land owners would be assessed over a period of years.

HOUSE BILL 670

REP. HARRISON FAGG, District 63, sponsor, opened by saying this bill increases the fees for annual licensing of weighing devices. The fee for licensing in four of the five categories are doubled, but the fee for the third category is raised only 50%.

PROPOSERS:

GARY DELANO, Bureau of Weights and Measures, Dept. of Commerce: The fees were introduced in 1973 and haven't been increased in 10 years. I would like to suggest two amendments to the bill which would strike "March" on Page 2, line 8 and insert "July" and provide an effective date of January 1, 1984. This is our effort to comply with the Governor's Council on Management.

JOHN BRAUNBECK, Montana Oil Marketers: We support this bill.

OPPOSERS: none

QUESTIONS:

REP. METCALF: Why didn't you double the price on all these categories? Mr. Delano: It's the time that it takes to test the device. It takes much less time.

REP. SCHULTZ: Does this cover all scales? Mr. Delano: Yes, any scale that is used commercially.

REP. HARPER: How close does this come to covering your costs? Mr. Delano: We're shooting at 70%.

HOUSE BILL 696

REP. HARRISON FAGG, District 63, sponsor, opened by saying this bill increases four of the seven fees established by law for licensing of petroleum measuring devices.

PROPOSERS:

GARY DELANO, Bureau of Weights and Measures, Dept. of Commerce: The last increase in these fees was in 1977. The increases are not as large as for weighing devices. This is our effort to comply with the Governor's Council on Management.

JOHN BRAUNBECK, Montana Oil Marketers: We do not oppose this bill.

QUESTIONS:

REP. BACHINI: How often are you required to check these devices? Mr. Delano: Annually.

REP. SAUNDERS: These are long overdue. Why? Mr. Delano: I feel the benefits from our program are very worthy and compared to other states, our fees are much less. The fees that we charge and the funds that we receive go into the general fund and all our funding is from the general fund. I felt the fees should have been increased quite a while ago, but I didn't want to be the bad guy.

HOUSE BILL 701

REP. FAGG, District 63, sponsor, opened by saying this bill increases the annual supervision fee paid by each bank, trust company or investment company from \$400 to \$1,000. The bill also changes the examination fee from a flat 12 cents per \$1,000 of total assets to a graduated scale.

PROPONENTS:

BRUCE SIMON, Governor's Council on Management: I am appearing for myself, not the council. We concluded the fees for examining banks should recover the cost of running the bureau. The legislature should give the authority to the board to set the fees with the mandate that they collect enough fees to cover their costs. It becomes difficult to come back every two years and ask for a raise in the fees from the legislature. The bill before you does have a fee schedule in it and was put in by the department for one area where the Council on Management varies from the bill. The banks learn from the examiners and are training grounds for people who eventually go to work for the banks. The fee should fall on the banks because they are largely benefiting from the bureau.

BOB WITT, Dept. of Commerce: We are undecided if the money collected should be put in the general fund or in an earmarked account. We will try to comply with the Governor's Council on Management and the clear needs of the department.

OPPONENTS:

JOHN CADBY, Montana Bankers Association: We have a few questions with this bill. Today's trend is to move away from user fees. The policy question you have to address is "should banks pay the entire cost of exams?" We do hire away trained examiners from the department. As a depositor you hire the state to examine financial institutions to protect your money. Should you share in that expense or should the banks pay the whole amount? We don't know the cost to the department, there is no fiscal note. They may be making money off us. We suggest some kind of cost analysis be made to see if the existing fees offset the costs. We think the present schedule allows for inflation. This schedule discriminates against smaller banks. You will find the banks under \$50 million would pay an increase in fees and the banks over that amount would actually get a decrease.

DEAN RETZ, President, Valley Bank, Helena: Our actual cost for exams last year was \$1,678. The new flat fee would be \$1,000 and we would be hit with the new law for \$3,389 which is an increase of 200%. The largest state bank in Montana has \$120 million. Under the old way, they would pay \$12,400 and under the new way - \$9,925. The small banks will be paying the fee for the large banks.

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LARRY MOORE, Stockmen's Bank, Cascade: I feel the examiners are duplicating services. We have auditors and examiners and I submit no less than 100 reports per year to the state on what goes on in my bank. Who pays for this? Any time a fee goes up at the bank, I am going to look for an offset with my customers. There is a myth about bankers hours and lifestyles. My bank is open from 8:30 to 5 p.m. and I'm there often past that. I live in a trailer house and drive an 8 year old car...this suit was purchased in three different stores and I have \$200 in savings. Banks are not always a source of unlimited funds.

REP. FAGG: There is a problem on the fee setting. I recommend the Department of Commerce take a look at this for us and I will report back.

EXECUTIVE SESSION:

HOUSE BILL 670

REP. WALLIN moved DO PASS HOUSE BILL 670.

REP. BACHINI moved the amendments suggested.

Question: Motion carried unanimously.

Question: Motion that HOUSE BILL 670 DO PASS AS AMENDED carried with Rep. Ellerd voting no.

HOUSE BILL 696

REP. HARPER moved DO PASS HOUSE BILL 696.

Question: Motion carried unanimously.

The hearing adjourned at 11:30 a.m.

J. Metcalf

REP. JERRY METCALF, CHAIRMAN

Linda Palmer

Linda Palmer, Secretary

STANDING COMMITTEE REPORT

FEBRUARY 15 19 33

MR. SPEAKER:

BUSINESS & INDUSTRY

We, your committee on

HOUSE

696

having had under consideration Bill No.

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
32-15-105, MCA, TO INCREASE LICENSE FEES FOR PETROLEUM
MEASURING DEVICES."

HOUSE

696

Respectfully report as follows: That Bill No.

DO PASS

STANDING COMMITTEE REPORT

February 15

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MR. **SPEAKER:**

We, your committee on **BUSINESS & INDUSTRY**

having had under consideration **HOUSE** Bill No. **670**

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**A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES
FOR LICENSING OF WEIGHING DEVICES AND TO PROVIDE A LATE
RENEWAL FEE; AMENDING SECTION 30-12-203, MCA."**

Respectfully report as follows: That **HOUSE** Bill No. **670**

BE AMENDED AS FOLLOWS:

1. Page 2, line 8
Following: "before"
Strike: ~~"March"~~
Insert: "July"
2. Page 2, following line 13
Insert: "Section 2. Effective date.
This act is effective January 1, 1984."

AND AS AMENDED

DO PASS

AMENDMENT TO HOUSE BILL 691

1. Page 4, following line 2.

Insert: "(3) The rules shall meet or exceed the safety codes required by recognized professional boxing and wrestling organizations and provide reasonable measures for the fair conduct of the matches or exhibitions and for the protection of the health and safety of the principals. The rules shall require a physical examination of each principal prior to each match or exhibition and the attendance of a licensed physician at ringside and shall provide for the qualifications of judges, referees, and seconds and for the payment of such officials by the promoter."

PROPOSED AMENDMENTS TO HB 691

1. Page 1, line 25.

Following: "compensation"

Insert: "-- meetings -- department to keep records"

2. Page 2, line 4.

Following: "and"

Insert: "except as provided in [section 4],"

3. Page 2.

Following: line 7

Insert: "(3) The board shall meet a minimum of two times a year.

(4) The department shall keep a record of the board's proceedings which are public records subject to public inspection.

Section 4. Enforcement of rules by board member -- board designees. (1) In absence of a quorum of the board, any board member in attendance at and supervising a contest or exhibition has the full power of the board in enforcing rules of the board.

(2) The board may designate in writing representatives to act specifically on behalf of the board but only within the scope of the written authority."

Renumber: subsequent sections

4. Page 3, line 6.

Following: "unless"

Insert: "he is licensed by the board and"

5. Page 4, line 13.

Following: "managers,"

Insert: "boxers, wrestlers, seconds, trainers,"

AMENDMENT TO HOUSE BILL 691

1. Page 2, following line 7.

Insert: "NEW SECTION. Board member conflict of interest, ~~No~~
board member may:

- (1) serve as a manager, promoter or trainer of a professional boxer or wrestler or an amateur boxer;
- (2) have a financial interest or affiliation in a professional boxing or wrestling match or an amateur boxing match;
- (3) serve as ring official, timer, referee or judge at a professional boxing or wrestling match, or at an amateur boxing match; or
- (4) participate in a professional boxing or wrestling match ~~of~~ an amateur boxing match.

Renumber subsequent sections.

HOUSE BUSINESS AND INDUSTRY COMMITTEE

February 3, 1981

SUMMARIES OF

HOUSE BILL 349 -

Introduced by Rep. Underdal and others, establishes the "Montana Product Liability Act," limits liability for damages to eight years after purchase of the product or 12 years after the date of manufacture. The bill prohibits a claim for a specific dollar amount of damages, but requires the complaint to "seek such damages as are reasonable," grants limited immunity to a manufacturer or seller for damages resulting from alteration or misuse of products, and establishes a rebuttable presumption of freedom from defect.

AMENDMENT NEEDED: In the title, line 6, following "SELLERS OF PRODUCTS" the words "FOR DAMAGES" should be inserted.

HOUSE BILL 346 -

Introduced by Rep. Jensen and Senator Turnage, authorizes an irrigation district previously established to continue electrical power operations including generation, distribution, and sale of electricity.

HOUSE BILL 350 -

Introduced by Rep. Meyer and others, provides that if an applicant passes a portion of the real estate examination, he should not be required to repeat that portion. The bill also removes the present statutory ineligibility of a person who has failed the test twice to take it again for six months.

AMENDMENT NEEDED: In the title, lines 5 and 8, the word "EXAM" should be replaced by "EXAMINATION."

Rep. Meyer closed.

HOUSE BILL 346 -

REP. WILLIAM RAY JENSEN, House District #25, Lake County, co-sponsor, said this bill will justifiably apply to a unique situation. If there are some irrigation districts in Montana that desire to go into the power business at this time, he didn't think that would be permitted. The Flathead Indian Irrigation and Power project paperwork began back in 1910, and because it is on Indian Reservation land it was put in the hands of the Bureau of Indian Affairs, and the administration of the power project has been through the 3 districts - the link between irrigation and administration signed a contract with the U.S. government to the effect that after half the construction costs were paid the project would be turned over to the water commissioners.

The project has arrived at that time now. In this contract it reads that they would have the right to distribute power and sell it at a rate sufficient enough for a project to be able to pay construction costs for the irrigation project. These districts are organized under Montana law and we are simply trying to get the Department of Indian Affairs to turn this project over to the local districts and they will have the same ability to carry on as they have been. This bill will allow this to be done. Montana Power might have something to say but they agree with this bill.

SENATOR TURNAGE, co-sponsor, said three districts were created under Title 85, chapter 7, part 10 of the Montana code. The three districts that are involved in this particular problem are parts of Lake, Sanders, and Missoula counties. The districts are much like a school district except they are organized by petition. They elect the members of the district boards like school district trustees are elected and the Montana code sets forth the operation. This is the only project in the U.S. that is situated in Lake County power. In 1910 they started the study of the irrigation project and the project was developed in the 20s and it irrigates considerable portions of Lake and Sanders Counties. Along about 1930 a license was issued to construct Kerr Dam which was issued by the U.S. and issued to MPC. The irrigation district was guaranteed a block of power and when the dam was completed, the block of power was utilized to provide irrigation and the homes in Flathead Valley from about the Lake County line on the north clear down into the Missoula County and Sanders County. - It has grown into quite an important energy distribution facility. It is all operated under a contract with the U.S. The government made available the funds to construct the facility and under the contract the dists. had to agree that the U.S. might have it until it was half paid for and that has arrived.

The districts are going to be required to assume the entire operation free from any control and management and are apprehensive about being charged by the farmers in the district. The districts are composed of irrigable farm land and the ownership of the lands is vested in the farmers district - might have a lawsuit on their hands by some avaricious entity that might want to own it. They want to be sure that they won't be crased when the transfer comes.

OPponents: None

Rep. Underdal closed. There have been high awards in all insurance fields. In the case of Fam Car, we are depriving a segment of society which has long been ignored of a method of transportation which is safe and reliable. Malfunction of Marlene's car caused the death of his son.

Our laws have been discouraging to those who are innovative and inventive and have built products that are beneficial to various types of consumers. This would apply to the medical as well as machinery and many other products. We are not protecting those who manufacture inferior products, but we are trying to protect manufacturers from those who misuse or are careless with a product.

Montana is an export state. How can we be anything but an export state with the handicaps we are placing on those who would produce?

He hoped for favorable consideration.

EXECUTIVE SESSION -

Rep. Meyer moved HOUSE BILL 350 DO PASS. He feels that if you pass part of the test you know that and it is senseless to take the passed portion over again - it doesn't make the test any easier. Rep. Jensen said many other professions allow you to pass part of the test and hold that for a time. He sees no reason why this shouldn't come in that category. Rep. Robbins is in favor of this bill. There are so many things in there that test your ability to use your head - real tough test.

Rep. Meyer further moved HB 350 be amended to include an effective date to be on passage and approval. This motion passed unanimously.

Rep. Bergene mentioned a person cannot practice while waiting for the test to be given again. Rep. Harper asked what would happen to an exam by allowing a student to take an exam as often as he needs to take it. Rep. Fabrega said there are two distinct parts to the test - a written test like a driver's license exam, and a practical test. You take the other one where you actually go through the computation of taxes and all those mathematical parts of the test. You get separate scores.

Rep. Meyer reworded his motion to HOUSE BILL 350 DO PASS AS AMENDED. Motion was adopted unanimously.

Rep. Jensen moved HOUSE BILL 346 DO PASS. Motion carried unanimously.

A subcommittee was appointed to study HB 349. Reps. Wallin, Jacobsen, and Kitselman are to be the members. Rep. Kitselman is to be chairman.

Rep. Jensen moved HOUSE BILL 286 AS AMENDED DO PASS. Motion was adopted 18-1, Rep. Harper voted No. Rep. Jensen further moved the Statement of Intent for HB 286 be adopted. Motion was unanimous.

85-7-1904. Acquisition of water and waterworks by board. (1) The board shall have power and authority to:

- (a) appropriate water in the name of the district;
- (b) acquire by purchase, lease, or contract water and water rights; additional waters and supplies of water; canals, reservoirs, dams, and other works already constructed or in the course of construction; and
- (c) acquire by purchase, lease, contract, condemnation, or other legal means:

- (i) lands and rights in lands for rights-of-way, for reservoirs, for the storage of needful waters, and for dam sites and necessary appurtenances; and

- (ii) such other lands and property as may be necessary for the construction, use, maintenance, repair, improvement, enlargement, and operation of any district system of irrigation works.

(2) The board shall have the privilege, if desired, to contract with the owner or owners of such canals, reservoirs, dams, and other works so purchased and in the course of construction for the completion thereof.

(3) No purchase, lease, or contract for purchase of any water, water rights, canals, reservoirs, reservoir sites, dam sites, irrigation works, or other property of any nature or kind or for the making or purchasing of surveys, maps, plans, estimates, and specifications or for the purchase of machinery for pumping plants or for the erection of buildings, aqueducts, and other structures necessarily used in connection with such pumping plants, for a

price or rental in excess of \$125,000, is final or binding upon the district, and no sum may be paid for such purchase, lease, or contract without the written consent or petition of at least a majority in number and acreage of the holders of title or evidence of title to the lands within the district. Any splitting or division of such purchase, lease, or contract with the purpose or intention of avoiding or circumventing the provisions of this section shall render such divided or split contract or contracts void.

85-7-1907. Board power to provide sufficient water. Said board may also construct and maintain the necessary dams, reservoirs, and works for the collection and distribution of water for the district, from one or more sources and from different and additional sources; operate such works; secure, in any of the manners provided in this chapter, additional water supplies from the same or different sources; and do any and every lawful act necessary to be done in order that sufficient water may be furnished for irrigation purposes to all the lands in the district included at the time of its organization or at any time thereafter.

85-7-1909. Rights-of-way for irrigation works. (1) The board of commissioners shall have the power to construct irrigation works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of said canal or canals may intersect or cross in such manner as to afford security to life and property. Said board shall restore the same, when so crossed or intersected, to its former state, as near as may be, so as not to destroy its usefulness. Every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersection and crossing, and if such railroad company or the owners and controllers of said property, thing, or franchise so to be crossed and said board cannot agree upon the amount to be paid therefor or the points or the manner of said crossing or intersections, the same shall be ascertained and determined in all respects as herein provided in respect to taking of land for public use.

(2) Nothing contained herein shall require the payment to the state or any subdivision thereof of any sum for the right to cross any public highway with any such works. The right-of-way is hereby given, dedicated, and set apart to locate, construct, and maintain said works over and through any of the lands which are now or hereafter may be the property of this state.

85-7-1911. Apportionment of water by board. (1) The board of commissioners shall apportion the water for irrigation among the lands in the district in a just and equitable manner, and the maximum amount apportioned to any land shall be the amount that can be beneficially used on said land, and such amount of water shall become and shall be appurtenant to the land and inseparable from the same but subject to reduction as hereinafter provided.

(2) In the event of a shortage of water, the amount of water delivered to each particular tract or piece of land shall be reduced proportionately.

(3) All surplus water belonging to the district may be sold or disposed of by the board for the benefit of the district.

(4) All water, the right to the use of which is acquired by the district under any contract with the United States, shall be distributed and apportioned by the district in accordance with the acts of congress, the rules and regulations of the secretary of the interior, and the provisions of said contract in relation thereto.

WITNESS STATEMENT

Name Hugh Brown Committee On Bus + Ind.
Address Box C, Chester, MT 59522 Date 2/15/83
Representing MRR Support _____
Bill No. HBA 662 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The purpose of this Bill is to allow irrigation districts to generate power outside the boundaries of their irrigation district.
2. The law currently limits irrigation districts to activities within their districts. That should not change.
3. The bill opens up a number of legal issues that should be resolved, eg. condemnation authority.
4. Irrigation districts should be in the irrigation business and not competing with Montana Counties + Cities outside of the irrigation districts.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

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WITNESS STATEMENT

Name John Seidlitz Committee On Bus + Inf
 Address Box 649, Chester, Montana Date 2-15-83
 Representing Liberty County, Town of Chester Support _____
 Bill No. 662 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. ~~Presently~~ Presently, ^{Liberty County} ↑ Town of Chester is part of a group which has submitted a F.E.R.C. application to develop this power. This bill would force competition between Dist. Districts and Counties and Towns for development of power plants in those counties and towns.
- 2.
- 3.
4. In addition, The Town as well as the County will lose a viable source of revenues.

1977 - Town pursued developing plant through either Bureau of Reclamation or Department of Natural Resources and Conservation. State + Fed Development failed. The groups presently seeking development have accomplished 25 years of federal work in the past 3 years of City-County-Private Development.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Marian Cheek Committee On Business & Industry
Address Lodge, Mont Date 2-15-1983
Representing Liberty County Support _____
Bill No. 662 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This bill if passed would take away from our tax base in Liberty County.
2. This project could bring in considerable revenue to Liberty County & the town of Chester if developed by Liberty County & Montana Renewable resources.
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name JAMES T MULLEN Committee On B-I
Address Butte Date 2/15/83
Representing MYSELF Support X
Bill No. HB 691 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name John Braunbeck Committee On B & F
Address 1217 Wilder Date 2-15-83
Mont. IOMA
Representing Mont. LP Gas Assn Support X
Bill No. HB-696 & HB 670 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Do not oppose reasonable increases.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.